

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

PITTSBURGH WATER AND SEWER
AUTHORITY

Criminal No. 2:20-cr-360

INFORMATION MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Scott W. Brady, United States Attorney for the Western District of Pennsylvania, and Michael Leo Ivory, Assistant United States Attorney for said District, and submits this Information Memorandum to the Court:

I. THE INFORMATION

A nine-count information was filed against the above-named defendant for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
Count 1	Violation of a National Pollutant Discharge Elimination System (NPDES) Permit 2010-May16, 2017	33 U.S.C. §§ 1311, 1342, and 1319(c)(2) and 18 U.S.C. § 2
Counts 2-8	False Statements- Self Compliance Monitoring Reports February 16, 2016 – July 26, 2019	33 U.S.C. § 1319(c)(4) and 18 U.S.C. § 2

II. ELEMENTS OF THE OFFENSES

A. As to Count One:

In order for the crime of Violation of a National Pollutant Discharge Elimination System Permit, in violation of 33 U.S.C. §§ 1311, 1342, 1319(c)(2) and 18 U.S.C. § 2, to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. An individual, corporation, partnership, association, State, municipality, or political subdivision of a State or any interstate body;
2. knowingly violated;
3. a requirement set forth in a Clean Water Act NPDES permit.

Authority: 33 U.S.C. §§ 1311, 1342, and 1319(c)(2).

B. As to Counts Two through Eight:

In order for the crime of False Statements-Self Compliance Monitoring Reports, in violation of 33 U.S.C. § 1319(c)(4) and 18 U.S.C. § 2, to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. An individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State or any interstate body;
2. knowingly made or submitted;
3. a false statement;
4. that was material.

Authority: 33 U.S.C. §§ 1317 and 1319(c)(4)

III. PENALTIES

A. As to Count One: Violation of a National Pollutant Discharge Elimination System (NPDES) Permit (33 U.S.C. §§ 1311, 1342, and 1319(c)(2) and 18 U.S.C. § 2):

The maximum possible penalties are:

1. A term of imprisonment of no more than three years;
2. a fine of \$50,000 per day of violation and/or \$500,000 for corporations; and
3. a term of probation of not more than 3 years.

B. As to Counts Two Through Eight: False Statements- Self Compliance Monitoring Reports (33 U.S.C. § 1319(c)(4) and 18 U.S.C. § 2):

The maximum possible penalties are:

1. A term of imprisonment of no more than two years;
2. a fine of \$500,000; and
3. a term of probation of not more than 3 years.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$400.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

Not applicable in this case.

VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

SCOTT W. BRADY
United States Attorney

/s/ Michael Leo Ivory
MICHAEL LEO IVORY
Assistant U.S. Attorney
PA ID No. 59296